

★ OCT 09 2014 ★

LONG ISLAND OFFICE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
UNITED STATES OF AMERICA,

- against -

ENGLISH THOMAS,

Defendant.

-----X
APPEARANCES:

LORETTA E. LYNCH, ESQ.
UNITED STATES ATTORNEY, EASTERN DISTRICT OF NEW YORK
BY: James M. Miskiewicz, Esq., Assistant United States Attorney
Grace M. Cucchissi, Esq., Assistant United States Attorney
Attorney for the Government
610 Federal Plaza
Central Islip, New York 11722

GREGORY S. WATTS, ESQ.
BY: Gregory S. Watts, Esq.
Attorney for Defendant
26 Court Street, Suite 910
Brooklyn, New York 11242

WEXLER, District Judge:

Before the Court is the Government's motion in limine, dated September 22, 2014, requesting that an anonymous and partially sequestered jury be empaneled in the criminal trial of the Defendant, English Thomas. The Defendant has not filed any opposition to the Government's motion. For the reasons set forth in its motion papers, the Government's request is granted.

The Government outlined compelling reasons why extra precautions are warranted in this action, including: (1) that the charges against the Defendant stem from a gang-related shooting, (2) that the Defendant himself is alleged to be a member of the street gang known as the Crips, and (3) that other members of the Crips with whom Defendant is associated have allegedly attempted to obstruct justice by assaulting a government witness and threatening the witness's family with death and serious bodily injury if the witness testifies at Defendant's trial. Although the Defendant is currently incarcerated, this is no guarantee that he will not attempt to obstruct justice through contacts who are not incarcerated. See United States v. Gotti, 459 F.3d 296, 345-46 (2d Cir. 2006).

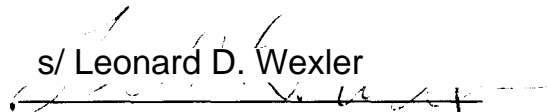
The Court will empanel an anonymous jury, taking reasonable precautions to safeguard the Defendant's constitutional right to a fair and impartial trial. See United States v. Thai, 29 F.3d 785, 801 (2d Cir. 1994). The names, addresses and places of employment of prospective jurors will not be revealed to either the parties or their attorneys. Jurors will be advised that these precautions are commonly taken to shield prospective jurors from unwanted attention that sometimes accompanies high-profile prosecutions. See id.

The Government's request for the jury to park and enter the courthouse separate from the general public is also granted. From the time each juror survives any challenges for cause and peremptory challenges, the jurors will be directed to park their vehicles in the federal employee parking lot and to enter and exit the courthouse using the employee entrance. The Government is directed to provide the United States Marshals Service with a copy of this Order so that they may accommodate the special procedures set forth herein. In addition, since they will be sharing a parking lot during the course of the trial, the prosecutors and the case agents assigned to this

matter are directed to take special care to avoid contact with the jurors.

SO ORDERED:

Dated: Central Islip, New York
October 9, 2014

s/ Leonard D. Wexler

LEONARD D. WEXLER
United States District Judge